IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4324 of 2006(A)

CRA.836/2005 of JUDL.MAGISTRATE OF FIRST CLASS, PAYYOLI
CC.60/2005 of JUDL.MAGISTRATE OF FIRST CLASS, PAYYOLI

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REVN. PETITIONER/APPELLANT/ACCUSED:

AZAD SINGH, S/O. GOPALAN,
31 YEARS, PUTHANPURAYIL HOUSE,
PUTHUR P.O., VADAKARA.

BY ADV. SRI.PULIKKOOL ABUBACKER
ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:

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1. MUGHEES, S/O. UMMARKUTTY,
THOUEFEEQUE HOUSE,
KOTTACKAL, IRINGAL P.O.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR . HIGH COURT OF KERALA,
ERNAKULAM.

R1 BY ADV. SRI.MANSOOR.B.H.
R2 BY PUBLIC PROSECUTOR ADV. SHRI KAMMAPPU.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 05/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P.No. 4324 OF 2006

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Dated this the 5th December , 2006

O R D E R

The revision petitioner was convicted for the offence under section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of three months. The petitioner was directed to pay compensation of of Rs. 30,000/- to the complainant under section 357(3) of the Code of Criminal Procedure. The appellate court confirmed the conviction, but modified and reduced the sentence to imprisonment till the rising of the court. The direction to pay compensation was confirmed.

2. An application under section 147 of the Negotiable Instruments Act for compounding the offence was filed by the petitioner/accused and the first respondent/ complainant and that application was allowed.

Accordingly, the Revision Petiiton is allowed. The conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under section 320(8) of the Code of Criminal Procedure.

K.T. SANKARAN,
JUDGE.

lk

K.T. SANKARAN, J.

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CRL. M.A. No. 12375 OF 2006

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Dated this the 5th December , 2006

O R D E R

This is an application to condone the delay of 100 days in filing the revision petition. Though the reasons stated in the affidavit accompanying the petition are not fully satisfactory, taking into account the fact that the dispute between the parties has been settled and an application for compounding is filled, I am inclined to condone the delay. Therefore the application is allowed and delay is condoned.

Number the Crl. Revision Petition as well as the application for compounding.

K.T. SANKARAN,
JUDGE.

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K.T. SANKARAN, J.

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CRL. M.A. No. 12509 OF 2006
IN CRL. R.P.No. 4324 OF 2006

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Dated this the 5th December , 2006

O R D E R

This is an application filed under section 147 of the Negotiable Instruments Act seeking leave to compound the offence under section 138 of the Negotiable Instruments Act. The application is signed by the revision petitioner/accused and the first respondent/complainant as well as their counsel. It is stated therein that the dispute between the parties has been settled. The application is allowed.

K.T. SANKARAN,
JUDGE.

lk